THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.7836 of 1998

18-04-2007

Between:-

B. Mastan Reddy and four others.

Petitioners

And

The Managing Director & Chairman,
A.P.S.R.T.C, Musheerabad, Hyderabad
and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 7836 of 1998

Oral order:

The five petitioners were initially appointed as Conductors in the Ongole division of A.P.S.R.T.C. during 1989. They were appointed as regular Conductors on various dates in 1992 and 1993 and were regularized prospectively with effect from the respective dates of their regular appointments. Claiming regularization with effect from the dates of their initial appointment, the writ petition is filed.

In the writ petition, the petitioners rely on the judgment of a learned single Judge in writ petitions of similar nature and the judgment dated 24-07-1995 in W.A.No. 705 of 1995.

The question of entitlement of a temporary

employee to regularization of service with effect from the date of initial appointment on the factum of a subsequent regular appointment came to be considered by the Supreme Court in *Divisional Manager, A.P.S.R.T.C. v. P. Lakshmoji Rao*[1]. The Supreme Court negatived the claim of the employees that every employee initially appointed on a casual basis and subsequently appointed on a regular basis is entitled to regularization with effect from the date of such initial casual employment. In paragraph No.16 of this judgment, the Supreme Court held that the decisions to the contrary by this Court are not legally sustainable; and that wrong criteria based on Section 25-B of the Industrial Disputes Act, 1947 were applied in case after case. The Supreme Court held that there was no entitlement for regularization from the date of initial casual employment. This view has been re-affirmed in the judgment of the Constitution Bench of the Supreme Court in *Secy. State of Karnataka & Ors., v. Uma Devi & 3 Ors.*,[2]

In the aforesaid position of the law declared, the petitioners are not entitled to any relief. The writ petition is accordingly dismissed. No costs.

GODA RAGHURAM, J

Dated:18-04-2007
Pvks/*

[1] . (2004) 2 SCC 433

[2] (2006) 4 SCC 1